

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TESSENDERLO KERLEY, INC.,
a Delaware corporation.

Plaintiff,

v.

OR-CAL, INC., an Oregon
corporation,

Defendant.

No. C 11-04100 WHA

**ORDER GRANTING LEAVE
TO FILE AMENDED ANSWER
AND COUNTERCLAIMS**

Defendant Or-Cal Inc., seeks leave to file an amended answer and counterclaims, which counsel for plaintiff has stated it will not oppose (Feeman Decl. at 2). The dismissal order identified the defects in defendant's pleading and stated that "[b]ased on defendant's opposition brief and arguments made at the hearing . . . the Court is confident that defendant will be able to sufficiently reallege its inequitable conduct allegations to satisfy the *Exergen* standard" (Dkt. No. 66 at 7). Defendant's proposed amended counterclaims do so. Defendant's motion for leave to file its amended answer and counterclaims is accordingly **GRANTED**.

IT IS SO ORDERED.

Dated: April 23, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE